

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** Chairman Mike Jopek, on February 17, 2009 at 3:04 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Mike Jopek, Chairman (D)  
Rep. Edward B. Butcher, Vice Chairman (R)  
Rep. Julie French, Vice Chairman (D)  
Rep. Russell Bean (R)  
Rep. Tony Belcourt (D)  
Rep. Mary Caferro (D)  
Rep. Sue Dickenson (D)  
Rep. John Fleming (D)  
Rep. Brian Hoven (R)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Lee Randall (R)  
Rep. Keith Regier (R)  
Rep. J. David Roundstone (D)  
Rep. Janna Taylor (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None.

**Members Absent:** Rep. Timothy Furey (D)  
Rep. Edith (Edie) McClafferty (D)

**Staff Present:** Todd Everts, Legislative Branch  
Marshall McEwen, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 511, HB 548, HB 592, HB 551,  
HB 482, HB 575, 2/10/2009

Executive Action: None

**HEARING ON HB 511**

**Opening Statement by Sponsor:**

00:01:13 Rep. Scott Mendenhall (R), HD 77, opened the hearing on  
HB 511, Revise nursery and produce license laws.

**Proponents' Testimony:**

00:01:59 Brent Sarchet, Manager, Helena Farmer's Market  
[EXHIBIT](#)(agh37a01)

00:03:37 Rep. Furey entered the room.

**Opponents' Testimony:**

00:07:57 Greg Ames, Administrator, Agricultural Science  
Division, Montana Department of Agriculture

[EXHIBIT](#)(agh37a02)

00:11:00 Julia Page, Northern Plains Research Council

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:13:19 Rep. MacDonald

00:14:08 Mr. Ames

00:14:52 Rep. MacDonald

00:15:18 Mr. Ames

00:15:53 Rep. MacDonald

00:16:00 Andy Gray, Bureau Chief, Commodity Service Bureau,  
Department of Agriculture

00:16:59 Chairman Jopek

**Closing by Sponsor:**

00:17:05 Rep. Mendenhall

00:18:13 Chairman Jopek

00:21:33 Rep. French

00:21:56 Chairman Jopek

**HEARING ON HB 548**

**Opening Statement by Sponsor:**

00:22:11 Rep. Dave McAlpin (D), HD 94, opened the hearing on  
HB 548, Require inspection for dog breeding facilities.

**Proponents' Testimony:**

00:25:31 Dave Pauli, Montana Animal Care Association; Montana  
Humane Society

**EXHIBIT (agh37a03)**

00:29:20 Kate Bollinger, Self

00:29:39 Katherine Schaeffer, Manager, Emergency Shelter,  
Operation New Beginnings

**EXHIBIT (agh37a04)**

00:32:00 Linda Schure, Representing Jamie Miller and Diane  
Krantz

00:38:06 Patty Prato, Self

00:42:26 Sandy Price, Manager, Billings Animal Rescue Care

00:45:09 David Klein, City of Billings Animal Shelter

00:46:08 Cindy James, Self

00:49:57 Carol Bradley, Self

**EXHIBIT (agh37a05)**

00:51:26 Francis Carey, Self

00:56:09 Vicky Dawson, Operations Director, Bitterroot Humane  
Association

00:57:11 Donna Cook, Self

**EXHIBIT (agh37a06)**

00:57:29 Sandy Wulff, Self

00:57:52 Christina Rogers, Vet to Go

00:58:06 Annie Lesmeister, Self

00:58:51 Margaret Ambrose-Barton, Self

00:59:05 Laura Hughes, Mountain View Kennels

00:59:17 Jessie Applebury, Self

00:59:31 Angela Randak, Volunteer, Operation New Beginnings,  
Billings, Montana

00:59:52 Janice Seifert, Self

01:01:15 Diane Redenius, Volunteer, Operation New Beginnings,  
Billings, Montana

**Opponents' Testimony:**

01:02:35 Tim Ravndal, Self

01:03:49 Rep. McClafferty entered the room.

01:04:50 Peggy Duezabou, Animals and Public Policy

**EXHIBIT (agh37a07)**

01:08:00 Sheryl Moldenhauer, Self

01:09:30 Debra Blank, Self

01:16:52 Tana Kradolfer, Self  
01:20:23 Florence Mattice, Self  
01:22:24 Julie Andersen, Self  
01:24:27 Bill Mattice, Self  
01:27:48 Jan Breitenfeldt, Self

**EXHIBIT (agh37a08)**

01:32:25 Lishka Shwab, Self  
01:33:51 Mike Schubarth, Self  
01:34:32 Lea Anderson, Self

**Informational Testimony:**

01:34:57 Christian MacKay, Executive Officer, Montana Board of  
Livestock

**Questions from Committee Members and Responses:**

01:35:41 Rep. Butcher  
01:36:26 Ms. Carey  
01:36:48 Rep. Butcher  
01:37:33 Mr. MacKay  
01:38:08 Rep. McClafferty  
01:38:29 Mr. MacKay  
01:38:46 Rep. McClafferty  
01:39:02 Mr. MacKay  
01:39:36 Rep. Warburton  
01:39:52 Mr. MacKay  
01:40:54 Rep. Fleming  
01:41:24 Mr. MacKay  
01:42:25 Rep. Dickenson  
01:43:01 Rep. McAlpin  
01:43:37 Rep. MacDonald  
01:44:11 Mr. Pauli  
01:44:43 Rep. Belcourt  
01:44:56 Rep. McAlpin  
01:45:32 Rep. Belcourt  
01:45:41 Rep. McAlpin  
01:46:08 Rep. Hoven  
01:46:31 Rep. McAlpin  
01:46:50 Rep. French  
01:47:16 Mr. MacKay  
01:47:57 Rep. French  
01:48:14 Mr. MacKay  
01:48:41 Rep. Butcher  
01:50:08 Rep. McAlpin  
01:50:30 Rep. Taylor  
01:50:37 Rep. McAlpin  
01:50:44 Rep. Taylor  
01:50:52 Mr. Pauli  
01:51:12 Rep. Wagner

01:52:34 Mr. Pauli  
01:53:36 Rep. Wagner  
01:54:41 Mr. Pauli  
01:55:31 Chairman Jopek  
01:55:47 Rep. Butcher  
01:56:24 Mr. MacKay  
01:57:02 Chairman Jopek  
01:57:12 Rep. Roundstone  
01:57:48 Mr. Pauli  
01:58:04 Ms. Blank  
01:58:13 Rep. Roundstone  
01:58:29 Chairman Jopek

**Closing by Sponsor:**

01:58:33 Rep. McAlpin  
01:59:15 Chairman Jopek  
01:59:53 Committee takes a break.  
02:08:14 Committee reconvenes.

**HEARING ON HB 592**

**Opening Statement by Sponsor:**

02:09:22 Rep. Lee Randall (R), HD 39, opened the hearing on  
HB 592, Revise livestock identification law.  
02:16:41 Rep. Dennis Getz, HD 38  
[EXHIBIT \(agh37a09\)](#)

**Proponents' Testimony:**

02:19:34 Jack Owen, Self  
02:26:15 Brett de Bruycker, President, Montana Cattlemen's  
Association  
02:30:11 Dan Teigen, Chair, Agriculture Task Force  
[EXHIBIT \(agh37a10\)](#)  
02:34:12 Kim Baker, Vice President, Montana Cattlemen's  
Association  
02:37:08 Linda Gryczan, Grow Montana  
02:39:01 Hugh Broadus, Self

**Opponents' Testimony:**

02:43:08 Anne Miller, Executive Director, Montana Pork Producers  
Council  
[EXHIBIT \(agh37a11\)](#)  
02:46:29 Errol Rice, Executive Vice President, Montana  
Stockgrowers Association  
02:52:11 Ed Hofer, Self

02:53:16 Eli Hofer, Self

**Informational Testimony:**

02:54:08 Christian MacKay, Executive Officer, Montana Board of  
Livestock

**Questions from Committee Members and Responses:**

02:56:07 Rep. Butcher  
02:57:00 Ms. Miller  
02:58:27 Rep. Dickenson  
02:59:27 Mr. de Bruycker  
02:59:58 Rep. Dickenson  
03:00:40 Mr. de Bruycker  
03:00:55 Rep. Regier  
03:01:16 Mr. Rice  
03:01:33 Rep. Hoven  
03:01:52 Mr. de Bruycker  
03:02:59 Rep. French  
03:03:19 Mr. Rice  
03:03:48 Rep. French  
03:03:58 Mr. Rice  
03:04:55 Rep. Butcher  
03:05:23 Ms. Miller  
03:05:43 Chairman Jopek

**Closing by Sponsor:**

03:06:10 Rep. Randall  
03:08:51 Chairman Jopek

**HEARING ON HB 551**

**Opening Statement by Sponsor:**

03:09:20 Rep. Dennis Getz (D), HD 38, opened the hearing on  
HB 551, Restrict use of certain animal identification.  
03:10:42 Chairman Jopek

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

03:11:27 Chairman Jopek (Rep. Getz gave up his right to close)

**HEARING ON HB 482**

**Opening Statement by Sponsor:**

03:13:07 Rep. David Howard (R), HD 60, opened the hearing on  
HB 482, State assistance for economic damage caused by  
brucellosis.

**EXHIBIT**(agh37a12)

**Proponents' Testimony:**

03:19:30 Rep. Jeff Welborn, HD 72  
03:19:57 Maureen Davy, Commissioner, Stillwater County; Montana  
Association of Counties Agriculture Committee;  
Beartooth Stock Association  
03:23:03 Less Graham, Montana Association of Livestock Auction  
Markets; Montana Farm Bureau; Montana Farmers Union

**EXHIBIT**(agh37a13)

03:26:30 Susy Bohleen, Self  
03:28:05 Bruce Malcolm, Self  
03:37:50 Rep. Bob Wagner, HD 71  
03:38:35 Tim Ravndal, Board of Directors, Montana Multiple Use  
Association  
03:39:18 Rep. Ed Butcher, HD 29  
03:40:22 Errol Rice, Executive Vice President, Montana  
Stockgrowers Association  
03:41:28 Nancy Schlepp, Montana Farm Bureau Federation

**Opponents' Testimony:**

03:42:34 Christian MacKay, Executive Officer, Montana Board of  
Livestock

**EXHIBIT**(agh37a14)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:51:46 Rep. Hoven  
03:52:04 Mr. MacKay  
03:53:02 Rep. Warburton  
03:53:29 Mr. MacKay  
03:53:48 Rep. Warburton  
03:54:28 Rep. Butcher  
03:55:58 Rep. French

03:56:33 Mr. MacKay  
 03:58:04 Rep. French  
 03:58:28 Mr. MacKay  
 03:59:32 Rep. Warburton  
 04:00:11 Mr. Rice  
 04:01:34 Rep. Warburton  
 04:01:39 Mr. Rice  
 04:01:43 Chairman Jopek  
 04:01:50 Rep. Randall  
 04:02:05 Mr. MacKay  
 04:02:36 Chairman Jopek

**Closing by Sponsor:**

04:02:47 Rep. Howard  
 04:04:07 Chairman Jopek  
 04:04:40 Committee takes a break.  
 04:11:15 Committee reconvenes.

**HEARING ON HB 575**

**Opening Statement by Sponsor:**

04:12:46 Rep. Bill McChesney (D), HD 40, opened the hearing on  
 HB 575, Revise water laws relating to coal bed methane.

**Proponents' Testimony:**

04:17:31 Sen. Keith Bales, SD 20  
 04:20:19 Bruce Williams, Fidelity Exploration and Production  
 Company

**EXHIBIT (agh37a15)**

04:21:47 Dustin Shaw, Self

**EXHIBIT (agh37a16)**

04:25:32 Mark Moreland, Self

04:28:37 Todd O'Hair, Rio Tinto Energy America Services Company

**EXHIBIT (agh37a17)**

04:32:08 Willy Duffield, Montana Association of Oil, Gas, and  
 Coal Producing Counties

04:32:31 Bernard Crane, Vice President, Citizens for Resource  
 Development

04:33:16 Mike Murphy, Montana Water Resources Association

04:33:35 John Youngberg, Montana Farm Bureau

04:34:02 Dave Galt, Executive Director, Montana Petroleum  
 Association

04:34:15 Tom Ebzery, Saint Mary Land and Exploration

04:34:44 Jay Bodner, Montana Stockgrowers Association

04:35:26 Gail Abercrombie, Secretary, Montanans for Responsible  
 Energy Development



04:35:57 Don Allen, Western Environmental Trade Association  
04:36:11 Tim Ravndal, Montana Multiple Use Association

**Opponents' Testimony:**

04:36:55 Brenda Lindlief-Hall, Attorney, Tongue River Water  
Users Association

**EXHIBIT (agh37a18)**

04:40:10 Mark Fix, Chair, Northern Plains Research Council  
Coalbed Methane Task Force  
04:43:49 Clint McRae, Rocker Six Cattle Company  
04:47:39 Art Hays Jr., President, Brown Cattle Company;  
President, Tongue River Water Users Association  
04:50:25 Roger Muggli, Self  
04:55:02 Late Sikorski, Self  
04:55:15 Jerry Iverson, Self  
04:55:45 Jim Jensen, Executive Director, Montana Environmental  
Information Center  
04:55:59 Ms. Lindlief-Hall, Representing Mike Cannon

**Informational Testimony:**

04:57:20 John Tubbs, Administrator, Water Resources, Department  
of Natural Resources and Conservation  
04:58:25 Tom Richmond, Administrator and Petroleum Engineer,  
Board of Oil and Gas Conservation

**Questions from Committee Members and Responses:**

04:59:02 Rep. Wagner  
04:59:32 Mr. Galt  
04:59:39 Rep. Wagner  
04:59:46 Chairman Jopek  
04:59:55 Mr. Williams  
05:00:57 Rep. Wagner  
05:01:55 Mr. Williams  
05:02:23 Rep. Kerns  
05:02:45 Mr. Williams  
05:02:49 Rep. Kerns  
05:03:16 Mr. Muggli  
05:04:04 Chairman Jopek  
05:04:13 Rep. French  
05:04:29 Mr. Williams  
05:04:35 Rep. French  
05:04:42 Mr. Williams  
05:05:00 Rep. French  
05:05:03 Chairman Jopek  
05:05:17 Rep. Dickenson  
05:05:43 Ms. Lindlief-Hall

05:06:48 Rep. Dickenson  
05:07:17 Mr. Williams  
05:08:14 Rep. MacDonald  
05:09:09 Ms. Lindlief-Hall  
05:10:02 Rep. Butcher  
05:11:18 Mr. Muggli  
05:12:19 Rep. Butcher  
05:12:34 Mr. Muggli  
05:13:39 Rep. Furey  
05:14:16 Mr. Williams  
05:15:35 Rep. Furey  
05:16:16 Ms. Lindlief-Hall  
05:16:33 Chairman Jopek  
05:16:48 Mr. Hays Jr.  
05:18:37 Rep. Bean  
05:19:01 Mr. Fix  
05:19:22 Rep. Bean  
05:19:31 Mr. Fix  
05:20:00 Rep. Taylor  
05:20:20 Rep. McChesney  
05:20:37 Rep. Taylor  
05:20:53 Rep. McChesney  
05:21:15 Rep. Hoven  
05:21:32 Mr. Williams  
05:22:10 Chairman Jopek  
05:22:17 Rep. Fleming  
05:22:55 Mr. McRae  
05:24:25 Rep. Fleming  
05:24:32 Mr. McRae  
05:25:18 Chairman Jopek  
05:25:38 Rep. Caferro  
05:25:56 Mr. Jensen  
05:26:51 Rep. Caferro  
05:27:09 Mr. Jensen  
05:27:15 Rep. Caferro  
05:27:25 Ms. Lindlief-Hall  
05:28:24 Rep. Caferro  
05:28:30 Chairman Jopek  
05:28:55 Rep. French  
05:29:36 Mr. Tubbs  
05:30:58 Rep. French  
05:31:04 Chairman Jopek  
05:31:13 Rep. Wagner  
05:32:40 Mr. Williams  
05:33:34 Rep. Butcher  
05:35:06 Mr. Williams  
05:36:09 Rep. MacDonald  
05:36:56 Mr. Fix  
05:38:03 Rep. Hoven  
05:39:07 Ms. Lindlief-Hall

05:40:15 Chairman Jopek  
05:40:23 Rep. Caferro  
05:40:52 Mr. Fix  
05:42:43 Chairman Jopek

**Closing by Sponsor:**

05:43:15 Rep. McChesney  
05:48:49 Chairman Jopek

**ADJOURNMENT**

05:51:26 Adjournment: 9:05 P.M.

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Marshall McEwen, Secretary

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**Additional Exhibits:**

**EXHIBIT (agh37a19)** Letter from Gloria LaMott pertaining to HB 548  
**EXHIBIT (agh37a20)** Letter from John Scheuering supporting HB 548  
**EXHIBIT (agh37a21)** Letter from Judie Lucas opposing HB 548  
**EXHIBIT (agh37a22)** Letter from Donna Hollingsworth opposing HB 548  
**EXHIBIT (agh37a23)** Letter from Liz Swearingen opposing HB 548  
**EXHIBIT (agh37a24)** Letter from Peggy Atchley opposing HB 548  
**EXHIBIT (agh37a25)** Letter from Don Moradian opposing HB 548  
**EXHIBIT (agh37a26)** Letter from Clu Carradine opposing HB 548  
**EXHIBIT (agh37a27)** Letter opposing HB 548  
**EXHIBIT (agh37a28)** Letter from Tina Grant opposing HB 548  
**EXHIBIT (agh37a29)** Letter from Beth Kingdon opposing HB 548  
**EXHIBIT (agh37a30)** Letter from Judie Lucas opposing HB 548  
**EXHIBIT (agh37a31)** Letter from Tamiko Lynch opposing HB 548  
**EXHIBIT (agh37a32)** Letter from Linda Kitzman opposing HB 548  
**EXHIBIT (agh37a33)** Letter from Susan Farrell opposing HB 548  
**EXHIBIT (agh37a34)** Letter from Donald Black opposing HB 548  
**EXHIBIT (agh37a35)** Letter from Samoyed Club of America opposing HB 548  
**EXHIBIT (agh37a36)** Letter pertaining to HB 445 from Rep. Betsy Hands  
**EXHIBIT (agh37a37)** Letter from The S.A.V.E. Foundation supporting HB 415

Additional Documents:

**EXHIBIT (agh37aad.pdf)**